

Notice of Allowability

Application No.

10/661,746

Examiner

Eric B. Chen

Applicant(s)

HSIEH, CHIA-TA

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 October 2005.
2. ☒ The allowed claim(s) is/are 1-15 and 21-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

REASONS FOR ALLOWANCE

1. Claims 1-15 and 21-25 are allowed.
2. The following is an examiner's statement of reasons for allowance for claim 1:
the prior art fails to teach or suggest that before oxidizing said polysilicon layer, said *silicon oxide layer is not etched through* (emphasis added). The closest prior art, Hsieh I, discloses that before oxidizing said polysilicon layer (15) (column 6, lines 39-47; Figure 4B), silicon oxide layer (16) is etched away through window (17') to the surface of polysilicon layer (15) (column 6, lines 7-10; Figure 3C). However, there is no motivation or suggestion that before oxidizing said polysilicon layer, said silicon oxide layer is not etched through, as in the context of claim 1.
3. The following is an examiner's statement of reasons for allowance for claim 10:
the prior art fails to teach or suggest thereafter *removing said silicon oxide layer* (emphasis added). The closest prior art, Hsieh I, discloses a method to form MOS gates in an integrated circuit device (column 1, lines 45-48) including thereafter oxidizing said polysilicon layer to increase thickness of said exposed silicon oxide layer (22) (column 6, lines 33-37). Silicon layer (22) remains in the final MOS device structure (Figure 5K). However, there is no motivation or suggestion of thereafter removing said silicon oxide layer, as in the context of claim 10.
4. The following is an examiner's statement of reasons for allowance for claim 21:
the prior art fails to teach or suggest *removing said first silicon oxide layer* after said step of etching through said exposed polysilicon layer, as discussed above.

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5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicants' arguments, (Applicants' Remarks, pages 7-9), filed Oct. 26, 2005, with respect to the rejection of claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Hsieh I have been fully considered and are persuasive. Applicants have pointed out that the Hsieh I reference does not teach or suggest "that before oxidizing said polysilicon layer, said silicon oxide layer is not etched through" (pages 8-9). The rejection of claims 1-6 has been withdrawn.

7. Applicants' arguments, (Applicants' Remarks, page 10), filed Oct. 26, 2005, with respect to the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Hsieh I, in view of Hsieh II, have been fully considered and are persuasive, as discussed above. The rejection of claim 7 has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Chen whose telephone number is (571) 272-2947. The examiner can normally be reached on Monday through Friday, 8AM to 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EBC
Nov. 28, 2005

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER
Nadine